

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BOARD OF TRUSTEES OF THE LOCAL 295/LOCAL
851-I.B.T. EMPLOYER GROUP TRUST FUND, et ano.

Plaintiff(s),

-against-

AFFIDAVIT OF SERVICE
08-CV-525 (LAK)(FM)

EMPIRE FREIGHT SYSTEMS CORP.,

Defendant.

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STATE OF NEW YORK)

S.S.:

COUNTY OF ALBANY)

DEBORAH LaPOINTE, being duly sworn, deposes and says that she is over the age of eighteen years, is employed by the attorney service, D.L.S., INC., and is not a party to this action.

That on the 14TH day of May, 2008, at approximately the time of 1:00P.M., at the office of the Secretary of State, of the State of New York in the City of Albany, New York, deponent served the RESTRAINING NOTICE AND INFORMATION SUBPOENA AND NOTICE TO JUDGMENT DEBTOR OR OBLIGOR AND NOTICE AND DEMAND FOR WITHDRAWAL LIABILITY upon EMPIRE FREIGHT SYSTEMS CORP., the defendant in this action, by delivering to and leaving with DONNA CHRISTIE an agent of the Secretary of State, of the State of New York, two (2) true copies thereof and at that time of making such service deponent paid said Secretary of State a fee of forty dollars. That said service was made pursuant to Section, 306 Business Corporation Law.

Deponent further says that she knew the person so served as aforesaid to be the individual in the Office of the Secretary of State of New York, duly authorized to accept such service on behalf of said defendant.

DONNA CHRISTIE is a white female, approximately 45 years of age, stands approximately 5 feet 4 inches tall, weighs approximately 145 pounds with blonde hair and blue eyes.

DEBORAH LaPOINTE
Sworn to before me this
14TH day of May, 2008

NOTARY PUBLIC

Frank J. Panucci
Notary Public-State of NY
Qualified in Albany Co.
No. 4721156
Comm. Expires July 31, 2010